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**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/351,723 07/12/99 WOHLSEN

R 1094

EXAMINER

TM02/0828

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PALO ALTO CA 94301

AZAD, A

ART UNIT

PAPER

2641 6

DATE MAILED: 08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

09/351,723

Applicant(s)

WOHLSEN ET AL.

Examiner

ABUL K. AZAD

Art Unit

2641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on June 20, 2001.
2. Claims 1-22 are pending in this action.
3. The applicant's arguments with respect to claims 1-22 have been fully considered but they are not deemed to be persuasive. For the examiner's response to the applicant's arguments or comments, see the detailed discussion in the Response to the Arguments section.

Response to Arguments

4. The applicant argues: "the Kanevsky does not use speaker-dependent grammars."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., speaker-dependent grammar) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Kanevsky teaches the use of grammars for example see col. 5, lines 31-45, where the grammars are for predetermined identification number, user's social security number, user's birthday, etc.

5. The applicant further argues: "In addition, Examiner's reasoning for making the modification, less memory required, could not be located by Applicants anywhere in Kanevsky.

In response to applicant's argument that there is no suggestion in the reference making the modification, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case reference is to, the knowledge generally available to one of ordinary skill in the art at the time of the invention. One of ordinary skill in the art would have realized that for a small group of user the recognizer would needed small memory and fast recognition process.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-3, 11-13, 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanevsky et al. (US 5,897,616).

As per claim 1, Kanevsky teaches, "a system for identifying a selected user from a first plurality of users," the system comprising:

"a first grammar extractor having a first input . . . corresponding identifier received at the first input" (col. 3, lines 21-33);

"a grammar storage . . . said identifier at the grammar storage input/output" (Fig. 4, element 108);

"a second grammar extractor having an input . . . the second utterance received at the second grammar extractor input" (col. 3, lines 33-41);

"a first recognizer . . . most closely matching the grammar received at the first second input" (col. 3, lines 21-51).

As per claim 2, Kanevsky teaches, "wherein the first utterance comprises a password of the one of the plurality of users, and the second utterance comprises a password of the user" (col. 4, lines 26-34).

As per claim 3, Kanevsky teaches, "wherein first grammar extractor is the second grammar extractor" (col. 4, lines 26-34).

As per claims 11-13 and 17-19, they have similar limitations as claims 1-3, so claims 11-13 and 17-19 are also rejected for the same reasons.

As per claim 14, Kanevsky teaches, "wherein the recognizing step comprises speaker independent voice recognition of the second utterance" (col. 3, lines 33-35, answer is speaker independent voice recognition).

Art Unit: 2641

As per claim 15, Kanevsky teaches, "wherein the recognizing step comprises speaker dependent voice recognition of the second utterance" (col. 3, lines 39-41, voice sample is speaker dependent voice recognition).

As per claim 16, Kanevsky teaches, "wherein the extracting the voiceprint step comprises extracting the voiceprint from the first utterance and the second utterance" (col. 4, lines 51-67).

As per claims 20-22, they have similar limitations as claim 14-16, so claims 20-22 are also rejected for the same reasons.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky et al. (US 5,897,616) as applied to claim1 above.

As per claims 4-10, Kanevsky does not explicitly teach, "a third utterance uttered during second season, and the third utterance identifying a second plurality of users." However, Kanevsky teaches plurality of users. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a more than one recognizer to identify several pluralities of users by using same method or system because of less

Art Unit: 2641

memory required for each smaller group and less time is required to recognize among a small group.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **William Korzuch**, can be reached at **(703) 305-6137**.

Any response to this action should be mailed to:

Commissioner for Patents

Washington, D.C. 20231

Or faxed to:

Art Unit: 2641

(703) 872-9314

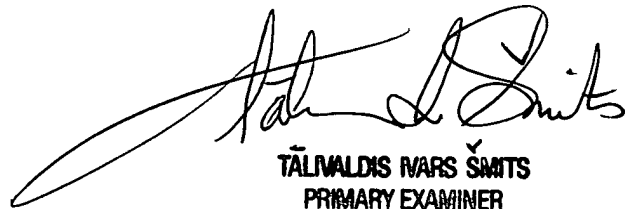
(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is **(703) 305-4700**.

Abul K. Azad

August 27, 2001



TĀLMĀLDIS IVĀRS ŠMITS
PRIMARY EXAMINER